

Changing Land Use Process Flowchart

Step #1. The applicant signs the provided certification declaring that the property in question meets the following criteria: 1) Did not have a former land use where hazardous materials were used or were generated, 2) Was not the site of former commercial, industrial, mining, or agriculture activity, 3) Is not listed on a County, State, or Federal list indicating it is or was a spill site or subject to known physical hazards, and 4) No indications of any of these conditions on the property. If the property meets these criteria, the application proceeds to Step #10. If these criteria are not met, the project proceeds to Step #2. Additionally, if any of these conditions are identified during review of the site, the project will either be deemed incomplete or pulled from further review until it meets the requirements defined under Step #2.

Step #2. The applicant defines the scope of the project and has a Phase I assessment prepared in accordance with the American Society for Testing and Materials (ASTM) Standard E 1527-00. Once completed, the applicant and their consultant review the findings of the Phase I assessment for indications that the property is a potentially impacted site prior to the project's submittal to the Planning Department. A potentially impacted property would be evident through the identification of any of the following activities on the property: Mining, burn dumps, former commercial or industrial activity, former agricultural activities, former military sites, saw mills, or property impacted by the presence of hazardous substances.

- If there are no indications that the property is potentially impacted by its former use, the project proceeds to Step #10.
- If there are indications of potential impact(s) to the property, from the prior land use the applicant proceeds to Step #3. At the applicant's discretion, the project may proceed directly to Step #6.

Step #3. Contact Nevada County Department of Environmental Health (NCDEH) and submit: (1) A Fee Agreement form with the appropriate fee. (2) All information developed to date in Steps #1 and #2.

Step #4. On receipt of the information from Step #3 NCDEH will review the project and make a determination on whether the property is a potentially impacted site.

Yes or No

If the answer is NO the project proceeds to Step #10.

If the answer is YES, NCDEH determines which of the following categories the project fits into:

1. **Unvested projects**, a new project with no prior approvals, the project will be directed to Step #6 to meet with the Department of Toxic Substances Control (DTSC). An exception to this is outlined below under "Small projects".
2. **Vested projects**, pre-existing property zoned for a single family dwelling, and proposing the same, will be processed in accordance with County Policy.
3. **Small projects**, on a case-by-case basis will be considered for review by NCDEH. This will be determined following consultation with DTSC. Note that closure or remediation of sites to background levels above non-detect will require a minimum of a limited scope Voluntary Cleanup Agreement under DTSC's Voluntary Cleanup Program. Sites for consideration will be limited to small projects with limited indications of potential impacts to the property. Chosen projects proceed to Step #5.

A scoping meeting will be set up between the applicant and the NCDEH to provide direction on the next step depending on the project type identified above.

Step #5 On selected small projects, NCDEH will oversee an assessment of the site following the protocol outlined in the DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual (DTSC, 1999). Depending on the results of the assessment NCDEH will direct the project as follows:

- Where sample concentrations are non-detect the project will proceed to Step #10.
- Where sample concentrations are greater than non-detect, but below background levels, the project will proceed to Step #10 with a possible letter of conditions regarding development of the property.
- Where sample concentrations are greater than background levels, the project will proceed to Step #6.

Step #6. Contact the California Department of Toxic Substances Control (DTSC) Site Mitigation Group to consult with them regarding review processes available to address the potential human health risks associated with the former land use and determining if mitigation is necessary.

Step #7. The applicant enters into an agreement under the Voluntary Cleanup Program with DTSC. Following approval of the proposed PEA workplan, activities can begin. DTSC or NCDEH will provide oversight during the field sampling activities.

Step #8. DTSC reviews the PEA report and makes one of the following determinations regarding the need for further environmental assessment of the site:

- Health risks and ecological risks are identified as acceptable and the project proceeds to Step #10.
- Health risks or ecological risks are identified as unacceptable, and mitigation is required. The project is directed to Step #9.

Step #9. Meet with DTSC to identify the next step for the project and to discuss potential options for the necessary mitigation. Proposed mitigation strategies may include a deed restriction, a Removal Action Workplan (RAW), or a Remedial Action Plan (RAP) document which outlines the proposed mitigation measures for the identified risks. Once the mitigation measures are approved by DTSC, the project proceeds to Step #10, subject to implementation of the deed restriction, RAW, or RAP.

Step #10. No further environmental review required prior to submittal to the County Planning Department for standard processing.

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